

United States Court of Appeals
For the Eighth Circuit

No. 14-1828

United States of America

Plaintiff - Appellee

v.

Alexander Zane Zephier

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Sioux Falls

Submitted: November 11, 2014

Filed: January 15, 2015

[Unpublished]

Before MURPHY, MELLOY, and BENTON, Circuit Judges.

PER CURIAM.

Alexander Zephier pled guilty to failure to register as a sex offender in violation of 18 U.S.C. § 2250(a). He filed a motion to dismiss the indictment

challenging the constitutionality of the federal sex offender registration statute. The district court¹ denied the motion. Zephier appeals.

In 2004 Zephier was convicted of sexually abusing a minor. After Congress enacted the Sex Offender Registration and Notification Act in 2006, Zephier was required to register periodically as a sex offender. See 42 U.S.C. § 16901 et seq. He failed to register as required in June 2012. A federal grand jury indicted Zephier six months later for failing to register as a sex offender in violation of 18 U.S.C. § 2250(a). He pled guilty and one week before his sentencing, he moved to dismiss the indictment, arguing that the Sex Offender Registration Act violated the non delegation doctrine of the United States Constitution. His motion acknowledged that the controlling law in this circuit was settled. The district court denied the motion and Zephier appeals.

We review constitutional challenges de novo. United States v. Fernandez, 710 F.3d 847, 849 (8th Cir.), cert. denied, 134 S. Ct. 213, 187 L. Ed. 2d 161 (2013). We recently considered and rejected identical challenges to the constitutionality of the Sex Offender Registration and Notification Act in Fernandez and in United States v. Kuehl. See id.; 706 F.3d 917, 920 (8th Cir. 2013). Zephier has not identified any subsequent opinions of our court that limit the precedential effect of those cases, and we "remain bound" by our earlier decisions. Fernandez, 710 F.3d at 850.

For these reasons we affirm the judgment of the district court.

¹ The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota.